

## **DECLARATION OF TOM O'HAVER**

1. My name is Tom O'Haver. I reside at 18402 123<sup>RD</sup> St. E. Bonney Lake, WA 98391. I am over the age of eighteen (18) and am competent to testify to the following from my own personal knowledge and experience.

2. I was employed with Tyler Technologies, Inc. from December 2003 through March 2007 as an Implementation Consultant in Renton Washington.

3. During the time that I was an Implementation Consultant with Tyler Technologies, Inc. my job duties consisted primarily of assisting and training customers during the conversion of their existing software to the EDEN software. This process involved the conversion of the customer's data from their existing software to the new EDEN software as well as training the customer's employees on the use and operation of the EDEN software. During the conversion process I would assist with verifying the customer's data after it was converted. If there were errors in the converted data I would assist the customer with correcting data errors. I was responsible for training customers on how to operate EDEN software. In connection with that training I would prepare curriculum documents to give to the customer's employees. I performed my job primarily at the customer's offices where I would remain until the conversion was complete and the customer was up and running on the EDEN software. When I was not at a customer's location I was required to report to the Renton, Washington office to work. When I was at the Renton office of Tyler Technologies, Inc. I would assist customers via telephone concerning the use and operation of EDEN software. I would also schedule and conduct training sessions over the telephone.

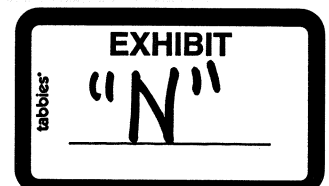
4. During the time I worked for Tyler Technologies, Inc. as an Implementation Consultant, I regularly worked an average of 50-60 hours per week. Some weeks I worked as many as 70 hours. I never worked less than 40 hours per week unless I was on vacation or took time off for illness.

5. Tyler Technologies paid me a salary ranging from approximately \$65,000.00 to \$72,000.00. I was also given a travel bonus for each day that I was out of town performing billable work at a customer's location. Tyler Technologies, Inc. did not pay me any additional compensation when I worked more than 40 hours in a week.

6. I regularly worked with other Implementation Consultants at Tyler Technologies, Inc. I have personal knowledge that these co-workers customarily and regularly worked more than 40 hours per week.

7. From my experience, the job title "Implementation Consultant" was used by Tyler Technologies, Inc. to refer to a group of Tyler Technologies, Inc. employees that shared the same job position and the same job duties as I did.


8. From my experience working as a "Implementation Consultant" with Tyler Technologies, Inc. in their Renton, Washington office, I have personal knowledge of Tyler Technologies, Inc.'s policies and procedures for compensating its "Implementation Consultants." It was Tyler Technologies, Inc.'s policy and practice to pay all of its "Implementation Consultants" in Renton Washington on a salary basis without additional compensation for time worked over 40 hours per week.



9. When I gave my resignation to leave Tyler Technologies, Inc. in March 2007, they did not pay me my last month's bonus..

9. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 31 day of March 2009, a Bonney Lake, Washington.

  
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TOM OHAVER